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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,279	03/30/2004	Mikko Repka	KOLS.102PA	4536

7590 01/25/2007
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EXAMINER

ORR, HENRY W

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/813,279

Applicant(s)

REPKA, MIKKO

Examiner

Henry Orr

Art Unit

2197

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/30/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application communication filed March 30, 2004.
2. Claims 1-20 are pending in the case. Claims 1, 10, 19 and 20 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to abstract ideas that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims considered to be Non-functional Descriptive Material are not statutory even if in combination with a physical medium. see MPEP § 2106**

Regarding claim 19, the phrase “**computer program product**” does not explicitly include an appropriate computer readable medium as part of the computer product. Therefore, the “**computer program product**” is considered functional descriptive material per se, which is non-statutory.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Independent claims 1, 10, 19 and 20 recite the phrase **“the loaded application view”**. There is insufficient antecedent basis for this limitation in the independent claims because **“the loaded application view”** has not been previously recited.

Claim 2 recites the phrases **“the status”** and **“the progress”**. There is insufficient antecedent basis for this limitation in the claim because **“the status”** and **“the progress”** have not been previously recited.

Claims 3, 8 and 9 recite the phrase **“the display”**. There is insufficient antecedent basis for this limitation in the claims because **“the display”** has not been previously recited.

Claims 4 and 13 recite the phrase **“the loading function”**. There is insufficient antecedent basis for this limitation in the claims because it is unclear as to whether **“the loading function”** in claims 4 and 13 are referring to **“the application view loading function”** as recited in claims 1 and 10, respectfully. Examiner suggest to applicant to replace **“the loading function”** with **“the application view loading function”** to overcome rejection.

Claims 4, 5 and 14 recite the phrase **“the basis”**. There is insufficient

antecedent basis for this limitation in the claims because **"the basis"** has not been previously recited.

Claims 5 and 14 recite the phrase **"the location"**. There is insufficient antecedent basis for this limitation in the claims because **"the location"** has not been previously recited.

Claim 11 recites the phrase **"the status"**. There is insufficient antecedent basis for this limitation in the claim because **"the status"** has not been previously recited.

Dependent claims 2-9 and 11-18 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaton et al. (hereafter referred to as Beaton), U.S. Patent # 6,037,937, in view of Andreas et al. (hereafter referred to as Andreas), U.S. Patent # 6,901,558 B1.

Regarding claim 1, Beaton teaches **"system also displays a representation of a control tool over the display of content information. Thereafter, the system receives a user input selecting the control tool, and controls the display of**

content information according to the user input” (col. 2 lines 25-30). (claim 1; i.e., providing a floatable control area for controlling given software functions of the electronic device;) Examiner considers the control tool as a floatable control area that has a given software function of an electronic device for controlling the display of content information.

Beaton further teaches **“If a user is in a document navigation application, for example, program 510 interprets a quick drag to the right as a next page function” (col. 7 lines 61-64).** (claim 1; i.e., detecting a start of an application view loading function;) Examiner considers interpreting a quick drag to load a next page as detecting a start of an application view loading function.

Beaton does not expressly teach indicating information relating to the application view loading function. However, Andreas teaches **“the progress bar visually representing progress of a primary background operation” (col. 1 lines 64-65).** (claim 1; i.e., indicating information relating to the application view loading function on the floatable control area when the application view loading function is active;) Examiner considers the progress bar as indicating information relating to background operations that includes loading web pages that activate their corresponding application view loading function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beaton’s navigation tool into a progress bar as taught by Andreas when the user navigates to a next page to provide the benefit of indicating the status of the loading operation of the page in a non-obtrusive way while maximizing the

use of available screen real estate. (Beaton; col. 2 lines 5-8) (Andreas; col. 39-49)

Beaton also does not expressly teach displaying the loaded application view and ending the indication of the information relating to the application view loading function. However, Andreas teaches “**Task_IsAllTasksEnded() 125 determines if progress window 44 is no longer needed**” (col. 4 lines 17-18). (claim 1; i.e., displaying the loaded application view and ending the indication of the information relating to the application view loading function on the floatable control area, when the application view loading function ends.) Examiner considers the Task_IsAllTasksEnded() function to end the indication of the information relating to the application view loading function of the background operations when the progress window is determined to be no longer needed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beaton's navigation tool into a progress bar as taught by Andreas and to modify Beaton's navigation program in Figure 5 to include an ending function as taught by Andreas to provide the benefit of removing the progress bar once user navigates to the next page and the page is loaded. Thus, removing the progress bar with the function prevents the progress bar from being obtrusive to the display and indicates that the task such as loading a page is complete. (Beaton; col. 2 lines 5-8) (Andreas; col. 1 lines 39-49, col. 2 lines 45-58)

Regarding claim 2, Beaton does not expressly teach information relating to the application view loading function. However, Andreas teaches “**status bar 28 is enhanced to include a progress bar 34 in the status bar 28 which includes a**

cancel button 36, a progress indicator 32, a title 40 inside of the progress bar 34 and a percent 39 in the title” (col. 2 lines 59-63). (claim 2; i.e., wherein the information relating to the application view loading function comprises information on the status, rate, the progress or duration of the application view loading function.) Examiner considers the progress bar to represent progress information of the loading page that activates the application view loading function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beaton's navigation tool into a progress bar that represent progress information as taught by Andreas when the user navigates to a next page to provide the benefit of indicating the status of the loading operation of the page in a non-obtrusive way while maximizing the use of available screen real estate. (Beaton; col. 2 lines 5-8) (Andreas; col. 1 lines 39-49)

Regarding claim 3, Beaton's Figure 8 displays the control tool at least partly over the application view. (claim 3; i.e., displaying the floatable control area at least partly over the application views shown on the display.)

Regarding claim 4, Beaton does not expressly teach providing a control block for interrupting the loading function. However, Andreas teaches **“What is required is a “something is going on in the background” indicator and preferably a cancel control for all background operations, such as attaching/detaching several attachments, replicating, loading a page, checking-for-mail” (col. 5 lines 36-41).** Examiner considers the cancel control as the control block for interrupting the loading function when the loading function is in process. (claim 4; i.e., providing a control block

for interrupting the loading function in the floatable control area when the loading function is in process; interrupting the loading function on the basis of a detected control command from the control block for interrupting the loading function; and ending the indication of the information relating to the application view loading function on the floatable control area when the loading function is interrupted.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beaton's navigation tool into a progress bar that includes a cancel control as taught by Andreas when the user navigates to a next page to provide the benefit of stopping the loading operation of the page from the progress bar that is displayed in a non-obtrusive manner while maximizing the use of available screen real estate. (Beaton; col. 2 lines 5-8) (Andreas; col. 1 lines 39-49)

Regarding claim 5, Beaton teaches **"Upon touching the right arrow of the navigation tool, for example, the right arrow is highlighted and navigation program 530 moves the display to the right (Fig. 10A)"** (col. 5 lines 50-53). (claim 5; i.e., providing in the floatable control area a control block for changing the location of the floatable control area; and changing the location of the floatable control area on the basis of detected control commands from the control block for changing the location of the floatable control area.) Examiner considers the right arrow as a control block for changing the location of the navigation tool ("**floatable control area**"). The location of the navigation tool changes to the right of the display when the right arrow is pressed.

Regarding claim 6, Beaton teaches **"Although the four arrows are presented to guide the users, navigation program 530 supports navigational movement at**

any direction” (col. 5 lines 54-57). (claim 6; i.e., providing control blocks for controlling given application view navigation functions in the floatable control area.) Examiner considers the four arrows as control blocks for navigation functions.

Regarding claim 7, Beaton teaches **“processor 430 ignores any touch input on the navigation tool unless the navigation tool has been activated” (col. 5 lines 27-33).** (claim 7; i.e., hiding the control blocks for controlling given application view navigation functions when the application view is loading.) Examiner considers when the navigation tool is not activated the control blocks are hidden from touch input. The touch input can then be interpreted to invoke functions related to the underlying document such as loading web pages or emails. Therefore, invoking functions related to loading web pages (**“application view”**) is done while the control blocks for the navigation tool is deactivated or hidden.

Regarding claim 8, Beaton teaches **“An activated navigation tool is preferably transparent to avoid hindering the display of content information in the viewing area as shown in Fig. 8” (col. 5 lines 19-22).** (claim 8; i.e., displaying the floatable control area semi-transparently on the display.) Examiner considers the activated navigation tool to be the floatable control area.

Regarding claim 9, Beaton teaches **“A solid line image, for example, may be used in grey scale displays that do not support transparency” (col. 5 lines 24-26).** (claim 9; i.e., displaying outlines of the floatable control area on the display.) Examiner considers the solid line image of the navigation tool to be an outline of the floatable control area.

Claims 10-18 are directed towards system claims and are substantially encompassed in method claims 1-9, respectfully, therefore the system claims are rejected under the same rationale as method claims 1-9 above. In respect to the control unit, display, and input device of system claims 10-18, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the feature processor, LCD, and touch screen panel to perform the limitations of system claims 10-18 as further explained in the rationale of method claims 1-9 above. (see Ref. #430, Ref. #472, Ref. #474 in Beaton's Figure 4)

Claim 19 is directed towards a manufacture claim and is substantially encompassed in method claim 1, therefore the manufacture claim is rejected under the same rationale as method claim 1 above. In respect to the computer program of manufacture claim 19, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the programs in the Flash Rom to perform the limitations of manufacture claim 19 as further explained in the rationale of method claim 1 above. (see programs Ref. #s 510, 520, 530, 540 in Beaton's Figure 5)

Claim 20 is directed towards an apparatus claim and is substantially encompassed in method claim 1, therefore the apparatus claim is rejected under the same rationale as method claim 1 above. Claim 20 invokes the sixth paragraph of 35 U.S.C. 112, therefore the corresponding structure elements for performing the controlling, displaying, and input limitations are the feature processor, LCD, and touch screen panel control unit as taught by Beaton. (see Ref. #s 430, 472, 474 in Beaton's Figure 4). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to configure the feature processor to perform the controlling means of apparatus claim 20 as further explained in the rationale of method claim 1 above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 274 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/11/2007
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